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January 13, 2006

By E-Mail

John F. Welsh, Esq.
Bello Black & Welsh LLP
535 Boylston Street
Suite 1102
Boston, MA 02116

**Re: Babcock Borsig Power GmbH v. Babcock Power, Inc. and Babcock
Power, Inc. v. Babcock Borsig, AG
U.S. District Court Civil Action No.: 04-10825 (RWZ)**

Dear John:

This letter is in response to your January 10, 2006 letter. My purpose is to avoid rhetoric and respond to those items that warrant a response now.

January 23 and 24 are not possible for us to resume the depositions of Messrs. Brantl and Brandano. This should pose no problem to you, however, because we should be able to find a date suitable to all of us between February 1 and 7. If none of those dates are available to you, given your prior suggestion that you would depose Hitachi people on those days, we should be able to agree upon dates during the week of February 13.

I believe that February 7 should be okay with Mr. Hevrony; although, it may be necessary to change his deposition to a date either a few days before it or after it. We will confirm that early next week.

As to your proposed motion to amend, I cannot be constructive in a Rule 37 conference unless you send me a draft of your amended complaint so that I can consider whether there is any reason I should object or rather simply stipulate to your proposed filing.

As to your pending motion to compel, now that we have seen it, there is no point to our discussing it now. As agreed to in our conference with Judge Hershfang, we will file our response by early next week.

Finally, as to the documents you persist on refusing to produce to us even though you acknowledge that they are responsive to our discovery requests, please understand that if those

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documents are relevant to our deposition of Dr. Kraenzlin and you refuse to produce them to us until after his deposition next week, it will then be necessary for him to return to Boston so that we may have an opportunity to ask him questions associated with the substance of those documents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Steve", with a stylized flourish extending from the end.

Steven J. Comen

SJC:jjp
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